

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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**Horizon Mental Health Management, Inc.  
doing business as  
Horizon Health Behavioral Health Services,**

**Plaintiff,  
vs. Civil Action No. 7:09-CV-00337 (GHL)**

**Claxton-Hepburn Medical Center, et al,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR PLAINTIFF:**

Damon, Morey Law Firm - Buffalo Office Brian D. Gwitt, Esq.  
200 Delaware Avenue  
12th Floor  
Buffalo, NY 14202-2150

Amber E. Storr, Esq.  
Stephen M. O'Neill, Esq.

**FOR DEFENDANT:**

Hancock, Estabrook Law Firm Daniel B. Berman, Esq.  
1500 AXA Tower I Zachary M Mattison, Esq.  
Syracuse, NY 13221

**GEORGE H. LOWE,  
UNITED STATES MAGISTRATE JUDGE,**

**JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT**

The parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their

agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: May 25, 2011  
Syracuse, New York



George H. Lowe  
United States Magistrate Judge